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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/708,664	03/18/2004	Min-Lung Huang	10545-US-PA	2663

31561 7590 04/28/2006

JIANQ CHYUN INTELLECTUAL PROPERTY OFFICE  
7 FLOOR-1, NO. 100  
ROOSEVELT ROAD, SECTION 2  
TAIPEI, 100  
TAIWAN

EXAMINER
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GRAYBILL, DAVID E

ART UNIT	PAPER NUMBER
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2822

DATE MAILED: 04/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/708,664

Applicant(s)

HUANG ET AL.

Examiner

David E. Graybill

Art Unit

2822

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 February 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6,8-13 and 15-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6,8-13 and 15-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

The following is a quotation of the first paragraph of 35 U.S.C.

112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-6, 8-13 and 15-17 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The subject matter is the claims 1 and 8 language, "consisting of" and, "the wetting-barrier layer only covers an upper surface of the barrier layer." To further clarify, the language, "consisting of" and "only" is negative limitations, and any negative limitation or exclusionary proviso must have basis in the original disclosure. See *Ex parte Grasselli*, 231 USPQ 393 (Bd. App. 1983) *aff'd mem.*, 738 F.2d 453 (Fed. Cir. 1984). The mere absence of a positive recitation or drawing illustration is not basis for an exclusion. Indeed, applicant discloses that the wetting-barrier layer more than only covers an upper surface of the barrier layer; for example, applicant discloses that the wetting-barrier layer also covers the adhesion layer.

Claims 6 and 13 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The subject matter is the entirety of claims 6 and 13. To further clarify, one skilled in the art would not be able to make the metallurgy layer consisting of the elements of claims 1 and 8 and further comprising the elements of claims 6 and 13, respectively.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-6, 8-13 and 15-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The scope of claims 6 and 13 is indeterminable because the language "comprises" is incompatible with the claims 1 and 8, respectively, language "consisting of."

A branching path, for which all possible variants for selecting the proper branch to be followed have been specified at the point of branching, is precise and unambiguous and we find that a claim so specified is free of indefiniteness due to "alternativeness." Ex parte Lewin, 154 USPQ 487 (BdPatApp&Int 1967).

The scope of claims 3, 4, 10 and 11 is indeterminable because the alternative language "when" is the point of branching of a branching path, but all possible variants for selecting the proper branch to be followed have not been specified. Specifically, the possible variant *when not* is not specified. See also MPEP 2173.05(h)III.

Claims 3, 4, 6, 10, 11 and 13 have not been rejected over the prior art because, in light of the 35 U.S.C. 112 rejections supra, there is a great deal of confusion and uncertainty as to the proper interpretation of the limitations of the claims; hence, it would not be proper to reject the claims on the basis of prior art. As stated in *In re Steele*, 305 F.2d 859, 134 USPQ 292 (CCPA 1962), a rejection should not be based on considerable speculation about the meaning of terms employed in a claim or assumptions that must be made as to the scope of the claims. Also see *In re Wilson*, 424 F.2d 1382, 165 USPQ 494 (CCPA 1970) (if no reasonably definite meaning can be ascribed to certain claim language, the claim is indefinite, not obvious). See also MPEP 2143.03 and 2173.06.

In the rejections infra, generally, reference labels are recited only for the first recitation of identical claim elements.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1, 2, 5, 8, 9, 12 and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kung (20030222352).

At paragraphs 25 and 26 Kung discloses the following:

An under bump metallurgy layer, between a bonding pad 16 of a chip 10 and a bump 18, for improving adhesion between the bonding pad and the bump, consisting of: an adhesion layer 212, disposed on

the bonding pad; a barrier layer 214, disposed on the adhesion layer, and a wetting-barrier layer 216, disposed on the barrier layer and between the barrier layer and the bump, wherein a material of the bump comprises tin, and wherein a material of the wetting-barrier layer is made of nickel; wherein the wetting-barrier layer has a thickness, and the bump is disposed on the wetting-barrier layer and the wetting-barrier layer only covers an upper surface of the barrier layer; wherein a material of the adhesion layer is selected from the following group consisting of titanium (Ti), titanium-tungsten (Ti-W) alloy, chromium (Cr), titanium nitride (TiN), tantalum nitride (TaN), tantalum (Ta), aluminum (Al) and copper (Cu); wherein a material of the barrier layer comprises nickel-vanadium alloy.

A flip chip structure, comprising: a chip having an active surface, a passivation layer 14 and a plurality of bonding pads, wherein the bonding pads are disposed on the active surface and the passivation layer are disposed on the active surface exposing the bonding pads; an under bump metallurgy layer, wherein the under bump metallurgy layer consisting of: an adhesion layer, disposed on the bonding pad; a barrier layer, disposed on the adhesion layer, and a wetting-barrier layer, disposed on the barrier layer, wherein a material of the wetting-barrier layer comprises nickel; and the wetting-barrier layer has a

thickness, and wherein the wetting-barrier layer only covers an upper surface of the barrier layer; and a bump, disposed on the wetting-barrier layer; wherein a material of the adhesion layer is selected from the following group consisting of titanium (Ti), titanium-tungsten (Ti-W) alloy, chromium (Cr), titanium nitride (TiN), tantalum nitride (TaN), tantalum (Ta), aluminum (Al) and copper (Cu); wherein a material of the barrier layer comprises nickel-vanadium alloy; wherein a material of the bump is made of tin-silver-copper alloy; wherein a material of the bump is made of tin-copper alloy; wherein a material of the bump comprises tin.

However, Kung does not appear to explicitly disclose wherein the wetting-barrier layer has a thickness larger than that of the adhesion layer or that of the barrier layer.

Nevertheless, as reasoned from well established legal precedent, it would have been an obvious matter of design choice bounded by well known manufacturing constraints and ascertainable by routine experimentation and optimization to choose these particular dimensions because applicant has not disclosed that, in view of the applied prior art, the dimensions are for a particular unobvious purpose, produce an unexpected result, or are otherwise critical, and it appears prima facie that the process would possess utility using another dimension. Indeed,



it has been held that mere dimensional limitations are prima facie obvious absent a disclosure that the limitations are for a particular unobvious purpose, produce an unexpected result, or are otherwise critical. See, for example, *In re Rose*, 220 F.2d 459, 105 USPQ 237 (CCPA 1955); *In re Rinehart*, 531 F.2d 1048, 189 USPQ 143

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(CCPA 1976); *Gardner v. TEC Systems, -Inc.*, 725 F.2d 1338, 220 USPQ 777 (Fed. Cir. 1984), cert. denied, 469 U.S. 830, 225 USPQ 232 (1984); *In re Dailey*, 357 F.2d 669, 149 USPQ 47 (CCPA 1966).

In the alternative, claims 1, 2, 5, 8, 9, 12 and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kung as applied to claims 1, 2, 5, 8, 9, 12 and 15-17 supra, and further in combination with Lee (20020121692).

Kung does not appear to explicitly disclose Kung does not appear to explicitly disclose wherein the wetting-barrier layer has a thickness larger than that of the adhesion layer or that of the barrier layer.

Regardless, at paragraphs 13-19, Lee discloses wherein the wetting-barrier layer 20 has a thickness larger than that of the adhesion layer 18. Moreover, it would have been obvious to combine this disclosure of Lee with the disclosure of Kung because, as disclosed by

Kung as cited, it would provide a large standoff and improved thermal performance.

Applicant's remarks filed 2-14-6 have been fully considered and are adequately addressed by the rejections supra.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

**For information on the status of this application applicant should check PAIR:** Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**Alternatively, applicant may contact the File Information Unit at (703) 308-2733. Telephone status inquiries should not be directed to the examiner. See MPEP 1730VIC, MPEP 203.08 and MPEP 102.**

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Any other telephone inquiry concerning this communication or earlier communications from the examiner should be directed to David E. Graybill at (571) 272-1930. Regular office hours: Monday through Friday, 8:30 a.m. to 6:00 p.m.  
The fax phone number for group 2800 is (571) 273-8300.

A handwritten signature in black ink, appearing to read 'Jen E. Graybill', written in a cursive style.

David E. Graybill  
Primary Examiner  
Art Unit 2822

D.G.  
27-Apr-06